

of the above described real estate appears on the Land Records of Frederick County to have been made by Charles McElfresh, or his heirs, devisees, personal representatives or descendants.

(4) That a question has been raised as to whether the said Gerald J. Schipper has a good and marketable fee simple title to said real estate in that there is no deed of record conveying said real estate unto the said Annie O. Cosgrave.

(5) That the said parcel of real estate as described herein as Complainant's Exhibit No. 1 and as shown on Complainant's Exhibit No. 2 as Tract "C" is the same that has been occupied by Harry G. Cosgrave and Annie O. Cosgrave, his wife, since October 1, 1938, at which time the adjoining tract of land designated as Tract "A" on Complainant's Exhibit No. 2 was conveyed to the said Harry G. Cosgrave from James E. Dixon, et al, by deed dated October 31, 1938, and recorded in Liber 425, folio 20, and which was later conveyed to Harry G. Cosgrave and Annie O. Cosgrave, his wife, as tenants by the entireties, by a straw deed from Kieffer Delauter dated March 20, 1940, and recorded in Liber 425, folio 22, one of the Land Records of the aforesaid County. After the death of the said Harry G. Cosgrave, the said Annie O. Cosgrave continued to maintain full and exclusive possession of the real estate which is the subject to these proceedings; that the Complainant avers that the said Annie O. Cosgrave and Harry G. Cosgrave, her husband, maintained actual, visible, continuous, exclusive, hostile, notorious and adverse possession and control of the aforesaid parcel of real estate with full claim of ownership and under color of title since 1938.

(6) That your Complainant herein avers that he has been in hostile, actual, visible, exclusive, continuous, notorious and adverse possession and control of aforesaid real estate with full claim of ownership and under color of title since September 17, 1964, and that his possession and that of his predecessors in title which has been constructive and peaceful possession of